



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: U.S. Patent 6,899,636
Issued: May 31, 2005
Inventor: Charles A. Finn
Title: GOLF PUTTER HAVING SPACED WEIGHT MEMBER
Serial No.: 09/934,967
Filed: August 22, 2001
Customer No.: 29955

Docket: 01-2827-64
Date: July 29, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

DECLARATION OF JOHN E. WAGNER

This is a declaration in support of the Request for Reconsideration of Patent Term Adjustment Under 35 U.S.C. 154(b).

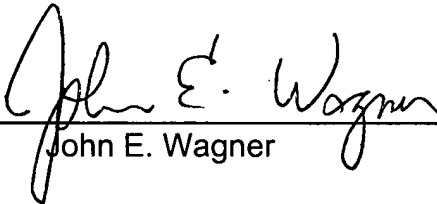
I, John E. Wagner, aver and state:

1. I am an attorney of record throughout the entire prosecution of the above-identified patent.
2. The prosecution of this application was a major effort to which no less than four attorneys have devoted extensive effort in the attempt for prompt issuance as a patent.

3. Enclosed and incorporated by reference as Exhibit 1a, b, c, and d are handwritten lists of Patent Office telephone numbers on Pages 1 through 4 and a summary of telephone and fax communications in addition to the telephone calls made to the client and to the U.S. Patent and Trademark Office in an attempt to expedite this application.
4. This is the undersigned's 52nd year as a practicing patent attorney, and it is believed the first to my recollection that I have ever had to conduct with telephone conversations with the Examiner's supervisor. I believe that this is a tribute to the long history of effective examination and supervision of examiners in the U.S. Patent and Trademark Office. Virtually of these calls were made to these supervisors (3) when the Assistant Examiner was not available.
5. It is believed the foregoing Request for Reconsideration, along with this declaration and its attachments, illustrates an exemplary attempt to meet the objective of patent term adjustment, particularly in favor of the seriously ill inventor whose pending applications were made special.
6. To my recollection, no contact was made or received by this office until the telephone request to make a six way restriction election 17 months after the application was filed.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity the patent to which this verified statement is directed.

Executed this 29th day of July 2005, Glendale, California.

Signed 
John E. Wagner

Date 7/29/05

Date

Jil calr nos to Examine Fern *64

(1)

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(A) Examinee Duong 571/272/2794

(B) Sup Caldarala 571/272/1444

} 2005

3/17/04 A + B

2/25/04

12/23/03 st Vidanitch

703/308/1513

9/17/03 Duong

703 305 4559

^{sup} Sewell

703 308 2126

4/22/03 Duong

703 305 4559

^{sup} Sewell

703 308 2126

2/04/03 Duong

703 305 4559

Sewell

703 308 2126

Restriction Requirement

8/24/2000 filed provisional

10/22/01 file PA

Tel calls

(2)

5/16/2002 t/c to Finn ~~950~~

9/9/02 ~~Fax~~ Pet to

10/01/02 Fax Pet to make spec

10/07/02 t/c to Finn

1/29/03 t/c to Finn

1/29/03 t/c from Tom Duong 703-305 9559 re restriction
17 mos after non-provisional

2/14/03 Fax to Finn re restriction

2/14/03 t/c to Finn

5/12/03 Fax to Finn re Paquette ^{OSP} 5,308,069

5/13/03 t/c to Finn

6/16/03 Fax Finn

6/16/03 t/c Smith to Finn

7/1/03 Fax to Finn

7/1/03 Fax " "

8/17/03 " " "

7/21/03 t/c " "

t/c " "

9/15/03 " " "

9/15/03 " Ex Duong — out
called sup Sewell — Micky on origin + 3 major infringe
"at the top of the list"

9/28/03 Fax to Finn ~~re~~ re Ex Duong

10/16/03 Fax to Finn RS re Carrion published appl

10/16/03 " " " " " "

11/14/03 Fax — Draft decl of " Finn

11/14/03 Fax Formal decl to Finn

- 12/10/03 t/c to Duong — out — left message
- 12/10/03 Fax to Ex Duong computer telconf of 12/10/03
- 12/10/03 Fax to Dennis Kups - Wash Assoc to handcarry to Duong after 2 unsuccessful attempts to fax to him
- 12/10/03 conf of t/c w Duong with 18 page of cc of Fax amt sent - auto reply trans of ~~12/17/03~~ 11/17/03
- Original Ex-hibits - cc of postal card rec 12/1/03 acknowledged. receipt of Doc & amt
- 1/8/04 t/c to Finn
- 4/2/04 Fax to Finn including 3/23/04 letter
- 3/23/04 reporting Sup of Ex Duong. Finally withdrawn mailed that day
- t/c Finn
- 1/23/04 t/c to Supervisor Vidavitch - new OA within 2 weeks by Duong & Sup will supervise it carefully
- 1/23/04 t/c to Muekey reporting above
- 3/16/04 t/c to Sup Vidavitch 571/2721444 Duong has new tel no 571 272 2794 call on Wed - file Notice of Appeal
- t/c to Vidavitch reconsider to reopen - I summarized status - Ex Vidavitch said to be patient & call back Renewed 5 mos?
- 3/17/04 t/c with Ex Duong (SW & BM took notes) case - request not on end for allowance — Duong said action typed waiting to be sent out — should be end of week
- New Sup Glenn Caldwell who will sign - Final Action withdrawn

- 3/3/04 t/c to ^{Sup}Vidavitch - out left message
- 3/23/04 t/c Duong - out - didn't "O" for Super - answered. Paul Sewell answered "Action" to be mailed 3/31/04 - no need to appeal
- 7/7/04 Fax to Finn incl draft Dec for self pro
- 10/17/04 tel cals re travel arrangements
- 10/13/04 t/c to Duong re possible amndt
- 10/16/04 t/c to Duong re interview on 10/25 or 10/26
- 10/15 t/c to Supervisor Cad d'aralo
- 10/15 t/c to Bud Carney conf arrange
- 10/20/04 Fax to Duong & Super C confirming appt to 703 796 8355 & 703 872 9306
- 10/29/04 Fax & ~~memo~~ memo to Finn w signed interview report from Ex as amended noting presence of Super Glenn C
- 1/11/05 Fee determination by Duong - "O" days
- 3/4/05 Memo to Finn w Sup Dec